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ABSTRACT

This publication includes lesson plans designed to help students and teachers explore students' rights and their corresponding responsibilities to others in the school and the community. Objectives are to demonstrate that an interrelationship exists between rights and responsibilities, that the freedom of expression inherent in the Student Bill of Rights and Responsibilities and the First Amendment to the U.S. Constitution is relative rather than absolute, and that freedom of expression is a primary concern of the Student Bill. Other aims are to explore the concept of due process; student attitudes and values as they relate to disruptive incidents that occur in school; and to study the balance which must be maintained between the enforcement of law and respect for the dignity of the individual. Teaching strategies include role playing, classroom discussion, debates, case studies, and slide shows. The publication includes five lesson plans which outline objectives, instructional strategies, classroom activities, a glossary of constitutional cases, and the Student Bill of Rights and Responsibilities. (Author/RM)

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# STUDENT BILL OF RIGHTS AND RESPONSIBILITIES

W. William Jones

## Resource Book for Classroom Use

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INSTRUCTIONAL SERVICES
THE SCHOOL DISTRICT OF PHILADELPHIA
1971

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# STUDENT BILL OF RIGHTS AND RESPONSIBILITIES

## Resource Book for Classroom Use

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1971

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## THE PURPOSE OF THIS PUBLICATION

These lessons are designed to help students and teachers explore the Student Bill of Rights and Responsibilities in terms of both the individual and collective exercise of constitutional rights and the corresponding responsibility that students have to respect the rights and obligations of others in the school and the community.

## ACKNOWLEDGMENTS

This material was prepared by Harold Kessler and Marvin A. Robinson of the Social Studies Office, Instructional Services, under the supervision of George W. French, Director of Social Studies.

Special thanks is extended to the following, who prepared the visuals to be used with this unit:

- From the Mastbaum Area Vocational-Technical School:
  - Milton Sussman, Principal
  - Jerome Wiseman, Social Studies Department Head
  - The Students of the Dramatics Club
- From the Division of School Extension:
  - David Brown

# LESSON PLAN I

## Student Bill of Rights and Responsibilities

### Objectives

To demonstrate the interrelationship between rights and responsibilities.

### Instructional Strategies

1. Have students role play the following situation:

   - Some members of a social studies class suggest a speaker on a controversial topic.
   - The teacher and school administration agree to have the speaker come in.
   - Attendance to class on that day is made optional.
   - After the speaker begins, a few students in the class find his remarks offensive and begin to leave.
   - Several other students bar the door and refuse to allow their classmates to leave.

2. Show the slides that depict this incident. Ask students to react.

3. Discussion

   a. What does the Student Bill of Rights and Responsibilities say about freedom of assembly?

   b. What does the Student Bill of Rights and Responsibilities say about freedom of speech?

   c. What does the first amendment of the U. S. Constitution say about freedom of assembly and freedom of speech?

   d. Can the students blocking the doorway justify their actions under the Student Bill of Rights and Responsibilities?

   e. Can the students blocking the doorway justify their actions under the first amendment to the U. S. Constitution?

f. Do the members of the class blocking the doorway have a responsibility only to themselves or to every member of the class?

g. How would you, as the teacher, handle this situation?

h. In what ways might this problem be resolved?

## Culminating Activities

1. Have students play Obstacle Course:

   - Blindfold 3 or 4 students.
   - Place students within a prescribed area.
   - Also place some chairs within the prescribed area.
   - Station some students to prevent those who are blindfolded from falling.
   - Spin the blindfolded students around and let them go.

   a. After the game, raise the following questions with the class:

      (1) What is freedom?

      (2) Where does one's freedom stop and another individual's begin?

      (3) Does one have a responsibility to keep his or her classmate from sustaining an injury? Why? Why not?

2. Discuss other situations involving freedom of assembly and freedom of speech:

   a. Sit-ins

   b. Strikes

   c. Civil Rights March on Washington 1963

   d. November 17, 1967: Student demonstration at the Philadelphia Board of Education Administration Building

   e. Poor Peoples' March on Washington

   f. Rev. Carl McIntyre's Victory March

   g. Vietnam Moratorium 1969

3. Discussion

a. What distinguishes the lawful exercise of freedom of assembly from the unlawful exercise of freedom of assembly?

b. What distinguishes the lawful exercise of freedom of speech from the unlawful exercise of freedom of speech?

c. Discuss some of the following Supreme Court decisions with the class:

Theme: Freedom of Assembly

(1) DeJonge v. Oregon 299 U.S. 353 (1937)

(2) Bates v. Little Rock 361 U.S. 516 (1960)

(3) Shelton v. Tucker 364 U.S. 479 (1960)

(4) Edwards v. South Carolina 372 U.S. 229 (1963)

(5) Adderly v. Florida 385 U.S. 39 (1966)

Theme: Freedom of Speech

(1) Gitlow v. U. S. 249 U. S. 49 (1919)

(2) Chaplinsky v. New Hampshire 315 U. S. 568 (1942)

(3) Terminiello v. Chicago 337 U. S. 1 (1949)

(4) Feiner v. New York 340 U. S. 315 (1951)

(5) U. S. v. Miller 386 U. S. 911 (1967)

(6) U. S. v. O'Brien 391 U. S. 367 (1968)

# LESSON PLAN II

## Student Bill of Rights and Responsibilities

### Objectives

To demonstrate that the freedom of expression inherent in the Student Bill of Rights and Responsibilities and the First Amendment to the United States Constitution is relative rather than absolute.

### Instructional Strategies

1. Slides

   a. Show slides or pictures of a student or students distributing literature in the school

   b. Show slides or pictures of a student or students distributing literature outside of the school

   c. Close-up of printed material.

2. Discussion

   a. According to the Student Bill of Rights and Responsibilities, is there any limitation as to the kinds of literature that can be distributed? (See Article I, Section B of Student Bill of Rights and Responsibilities, page 4.)

   b. Should there be limitations? Why? Why not?

   c. What is prior censorship?

3. Debate

   a. Debate the proposition that the fastest way to increase the circulation of printed material is to ban it.

4. Case Study

   a. Students take home the school newspaper. Show slide of newspaper. On the following day, a group of parents and students protest to the principal that some of the material in the newspaper is obscene. On the following day, another group of parents and students support the newspaper staff and the principal.

   b. The American Civil Liberties Union begins to investigate the situation.

5. Discussion

   a. According to the Student Bill of Rights and Responsibilities, should the final edition be submitted to the principal before printing?

   b. To avoid a situation such as the one described above, what can be done by members of the newspaper staff, the faculty advisor, the student government, the Philadelphia Federation of Teachers Building Committee, and the school administration?

   c. In Article I, Section A, Clause 1 of Student Bill of Rights and Responsibilities, pages 3-4, it is stated that "school authorities shall prohibit material which is obscene according to current legal definitions." How does one decide what is obscene?

## Culminating Activities

1. Have students within the class play the roles of the school principal, the student editors, parents, faculty sponsor, union representative.

   Have the same students reverse roles and take an adversary position.

2. Ask the art teacher to come in and discuss nudity in works of art. How might an artist interpret obscenity?

3. Ask a member of the English department to discuss the changing concept of obscenity in terms of works of literature that at one time were banned.

4. Irving Wallace's novel, SEVEN MINUTES, deals with the theme of censorship. Some students may wish to read it and report back to the class.

5. Choose and review any of the following Supreme Court Cases:

   Theme: Freedom of the Press

   a. Near v. Minnesota 283 U. S. 697 (1931)

   b. Grosjean v. American Press Co. 297 U. S. 288 (1935)

   c. Butler v. Michigan 352 U. S. 380 (1957)

   d. Roth v. U. S. 354 U. S. 476 (1957)

   e. N. Y. Times Co. v. Sullivan 376 U. S. 254 (1964)

   f. Bantam Books Inc. v. Sullivan 372 U. S. 58 (1963)

   g. A Quantity of Copies of Books v. Kansas 378 U. S. 205 (1964)

# LESSON PLAN III

## Student Bill of Rights and Responsibilities

### Objectives

To demonstrate that freedom of expression is a primary concern of the Student Bill of Rights and Responsibilities.

To explore the concept of due process and the procedures incorporated in the Student Bill of Rights and Responsibilities to insure due process.

### Instructional Strategies

1. Case Study

   Students in a particular senior high school distribute thousands of leaflets urging their classmates to march to the Board of Education after school hours in an attempt to change the name of the school from Samuel Flinker High School to Herman Flinker High School.

   The leaflets distributed to students and placed on the school's bulletin boards contain no mention of person or persons, organization or organizations responsible for advocating the name change. The school's population is 5300.

   The leaflets are distributed throughout the entire school day.

   After seeing the bulletin boards and the actual distribution of materials the students are asked to name the person or persons responsible for the leaflets' content. The students are also asked to distribute the leaflets only during lunch periods; they refuse.

   Five students are then suspended.

   a. Discuss the following in terms of the case study:

      (1) What is due process of law?

         (a) Discuss substantive and procedural due process.

      (2) Under the Student Bill of Rights and Responsibilities, what forms of due process are available to the suspended students?

      (3) What is the role of the ombudsman? (Page 7, Student Bill of Rights and Responsibilities.)

(4) What is a grievance? What is a grievance procedure? (Pages 8-9-10, Student Bill of Rights and Responsibilities.)

(5) How would you decide this grievance?

(6) What if such an incident occurred in a junior high school, how would it be decided?

(7) Review Article I, Section B, Clause 4 of Student Bill of Rights and Responsibilities, page 5.

## Culminating Activities

1. Have lawyers from the Philadelphia Bar Association (MU 6-5698) or American Civil Liberties Union (PE 5-7103) or Community Legal Services (check the telephone directory for the branch nearest your school), speak to the class on the Student Bill of Rights and Responsibilities with particular reference to amendments 1, 5 and 14 of the United States Constitution.

2. Have members of the class interview:

   a. Superintendent of Schools

   b. Principal of the school

   c. Philadelphia Federation of Teachers Building Representatives

   d. Students

   e. President of School's Home and School Association regarding their concerns about the Student Bill of Rights and Responsibilities.

3. Review and discuss some of the following Supreme Court Cases:

   Theme: Distribution of Leaflets

   (a) Schenck v U. S. 249 U. S. 47 (1919)

   Theme: Due Process of Law

   (a) Palko v. Connecticut 302 U. S. 319 (1937)

   (b) Rochin v. California 342 U. S. 165 (1952)

   (c) Miller v. U. S. 357 U. S. 301 (1958)

   (d) In Re Gault 387 U. S. 1 (1967)

4. Using the diagram that follows, trace the steps of the grievance procedure as outlined in the Student Bill of Rights and Responsibilities.

# GRIEVANCE PROCEDURE FOR SENIOR HIGH AND AREA VOCATIONAL-TECHNICAL SCHOOL STUDENTS

STEP NO.

1. Grievance submitted in writing to principal (*See Step 4)
2. Within 5 days, meeting of principal, student/s, PFT Representative, ombudsman or parent
3. Within 3 days, the principal shall communicate his decision in writing to the student, parent, staff member. If such a decision is not forthcoming in designated time, this constitutes basis for automatic appeal
4. Student may appeal principal's decision to District Superintendent in writing within 3 school days

* If the grievance involves the principal directly or is directed against a policy he has decided upon, the student may skip step 1 and go immediately to the district level

5. Within 5 school days, the District Superintendent or his designee shall meet with the student, parent, or ombudsman, the staff member and his representative
6. District Superintendent shall communicate his decision in writing to all concerned parties
7. Student may appeal District Superintendent's decision to the Superintendent of Schools in writing within 3 school days
8. Superintendent of Schools or his designate shall meet with the student, parent or the ombudsman, the staff member and his representative, within 10 school days
9. Decision of the Superintendent of Schools shall be communicated in writing to all parties involved within 5 school days
10. Decision of Superintendent of Schools shall be final and binding upon all parties subject only to judicial review

# LESSON PLAN IV

## Student Bill of Rights and Responsibilities

### Objectives

To call attention to the fact that in a democratic society, it is essential that a balance be maintained between the enforcement of law and respect for the dignity of the individual.

To explore student attitudes and values as they relate to disruptive incidents that occur in a school.

### Instructional Strategies

1. Have students complete the sentences listed below in any way they wish.

   - Students who deface property are _____.
   - Students who sell drugs _____.
   - Students involved in fighting should be _____.
   - Students who are caught stealing may _____.
   - If a student cheats during an exam, he will _____.

   Afford students the opportunity to read their responses to the class.

   Record the responses. Generally, did the class take a punitive or permissive stance in responding to the questions?

2. The teacher will show 3 different slides. Each slide illustrates an activity that disrupts the educational process.

   a. Students defacing property

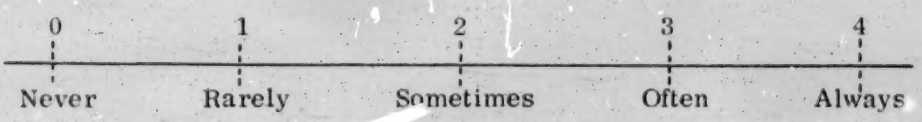
   b. Student stealing

   c. Students fighting

   Teacher and class discuss the three slides and rank them in terms of severity of offense. Tabulate the results by class vote.

3. Divide class into three groups. Have each group deal with one slide. Each group should rank its slide on a continuum using the following questions and the following scale.

   - When do you feel defacing property is justified?
   - When do you feel theft is justified?
   - When do you feel fighting is justified?




4. Discussion

   a. What kind of punishment do you feel is justified for the three offenses listed?

   b. Can a general rule be promulgated that would apply to all cases involving defacing property, theft, fighting? Why? Why not?

   c. In cases where you think certain actions warrant punishment, by whom should it be administered?

   d. What kinds of punishment are considered appropriate under the Student Bill of Rights and Responsibilities? What kinds of punishment are considered inappropriate? (Check pages 11-12, Student Bill of Rights and Responsibilities.)

   e. Do social, athletic, and political organizations have rules and regulations governing the activities of their members?

   f. Under the Student Bill of Rights and Responsibilities, how may students participate in the establishment of guidelines regarding discipline?

## Culminating Activities

1. Have students write a few paragraphs on their ideas as to what constitutes an ideal school. Have some of the students read their papers. Discuss the basic similarities and differences.

# LESSON PLAN V

## Student Bill of Rights and Responsibilities

### Objectives

To show the value of student participation in the formulation of curriculum.

### Instructional Strategies

1. Discuss the ramifications of the following hypothetical situation:

- A senior high school has offered a course that deals with the relationships between the portrayal of various ethnic groups in films and the prevailing social climate in the United States during the period when the film was made and shown.

- After viewing a film from the "Charlie Chan" detective series, several Black students object on the basis that the characterization of Blacks in the film is a stereotype in that Blacks are portrayed as superstitious, shuffling "Toms" lacking in the ability to cope with all but the most menial of tasks. The Black students walk out.

- The White students feel that the portrayal of the cop on the beat as a dumb Irishman is an insult. They also walk out.

- Two Chinese students also walk out because the role of Charlie Chan is played by a White man. They also object to the fact that Mr. Chan is all-knowing while his sons are depicted as village idiots.

a. Questions for Discussion

(1) Do you feel the objections of the Black students were justified? Do you feel the objections of the White students were justified? Do you feel the objections of the Chinese students were justified?

(2) What alternatives could the teacher have pursued before showing the film?

(3) Could this problem have been circumvented if students had been given the opportunity to make instructional inputs during the planning and writing stages of the curriculum development process?

(4) According to the Student Bill of Rights and Responsibilities, do students have the right to participate in decisions affecting the curriculum?

(5) Instead of walking out of class, what options are available to students under the Student Bill of Rights and Responsibilities?

## Culminating Activities

1. Provide a laboratory experience that gives students an opportunity to deal with the concerns of people who are charged with the task of writing the curriculum. Divide the class into groups. Ask each group to reach a consensus on what it feels is a major social problem. Give each group an opportunity to present its lesson to the class. If group members find it feasible, they should draw upon the resources of the school's instructional team and use art, music, and literature to embellish their presentations.

2. Come Write with Us!

   The Office of Social Studies extends an invitation for any interested student to participate in the writing of curriculum. Contact Harold Kessler or Marvin Robinson (448-3348), for details. Students may also call or write for samples of work that have already been done.

# Student Bill of Rights and Responsibilities

## HOW TO USE THE SLIDES

1. Use slides 1, 2, 3, 4, 5 — showing the sequence described on Page 1 (Instructional Strategy #2).

2. Use slides 6 and 7 showing the distribution of literature in and outside of school. Page 4 (Instructional Strategy #1).

3. Use slide 8 showing the school newspaper. Page 4 (Case Study).

4. Use slide 9 showing students putting material on bulletin boards. Page 6 (Instructional Strategy #1).

5. Use slides 10, 11 and 12 showing graffiti, student stealing, students fighting. Page 9 (Instructional Strategy #2).

6. The following slides can be used for purposes of classroom discussion:

   - Collecting signatures on a petition.
   - N.T.A. requesting student to produce identification.
   - Student wearing button.
   - Role playing — student as Dean of Discipline.

## VOCABULARY

1. abrogate
2. adjudicate
3. advise
4. affront
5. appeal
6. authoritative
7. Bill of Rights
8. censorship
9. citizenship
10. coercion
11. constitution
12. counsel
13. curriculum
14. discretion
15. disruptive
16. district
17. district superintendent
18. excessive
19. exclusion
20. expulsion
21. extracurricular
22. forum
23. grievance
24. hearing
25. impose
26. incite
27. indignity
28. inequitable
29. inflammatory
30. inquiry
31. libel
32. liberty
33. misinterpret
34. obscene
35. ombudsman
36. organization
37. petition
38. principal
39. principle
40. procedure
41. process
42. punitive
43. reasonable
44. recommendation
45. regulation
46. representative
47. responsibility
48. resolution
49. resolve
50. restraint
51. rule
52. sarcasm
53. slander
54. society
55. submit
56. supersede
57. suspension
58. unreasonable
59. violation
60. witness

# Student Bill of Rights and Responsibilities

## GLOSSARY OF CONSTITUTIONAL CASES

This glossary includes a few selected cases that teachers and students may wish to further explore.

1. Adderley v. Florida. (1966)

   A trespass conviction of demonstrators who were asked by the sheriff to leave the jailhouse premises was upheld. This conviction was not considered a violation of rights of speech, press, assembly, or petition.

2. Bantam Books, Inc. v. Sullivan. (1963)

   The activities of the Rhode Island Commission to Encourage Morality in Youth, in threatening to invoke legal sanctions against distributors for the purpose of suppressing publications deemed objectionable by it and, at the same time, in failing to provide procedural safeguards, constituted a system of informal censorship in violation of the Fourteenth Amendment.

3. Chaplinsky v. New Hampshire. (1942)

   Fighting words which, by their very utterance, inflict injury or tend to incite an immediate breach of the peace are not deemed protected speech, and the persons uttering such words may be punished without violation of the Constitution.

4. Feiner v. New York., (1951)

   The defendant's conviction for disorderly conduct for refusing to stop an inflammatory speech after being requested by the police to desist did not violate his right of free speech guaranteed by the Fourteenth Amendment.

5. Gitlow v. New York. (1925)

   The defendant's conviction for publication of a left-wing manifesto under a state statute which made it a crime to advocate the overthrow of organized government by force or violence did not deny freedom of speech in violation of the Due Process Clause of the Fourteenth Amendment.

6. Palko v. Connecticut. (1937)

   It was decided that a retrial resulting from the reversal of an acquittal, the reversal having been made by an appellate court, is not the kind of double jeopardy which violates fundamental principles of liberty and justice and therefore is not a deprivation of due process of law guaranteed by the Fourteenth Amendment.

7. Rochin v. California. (1952)

The conviction in this case was based upon evidence that was gained by forcing an emetic solution into the defendant's stomach to induce vomiting, and from the results of that coercive act it was determined that the defendant had possessed morphine. The court decided that a conviction of this sort must be reversed because such a method of obtaining evidence shocks one's conscience and is offensive to the Due Process Clause of the Fourteenth Amendment.

8. Roth v. United States and Alberts v. California. (1957)

Obscenity is not within the area of Constitutionally protected speech. Federal statutes prohibiting the mailing of obscene matter and state statutes prohibiting the writing, keeping, or selling of obscene matter do not violate the freedoms of speech or press in the First Amendment or the Due Process Clause in the Fourteenth Amendment.

9. Schenck v. United States. (1919)

The defendants' convictions under the Espionage Act of 1917 for conspiracy to obstruct the draft did not contravene the right of freedom of speech guaranteed by the First Amendment.

10. Terminiello v. Chicago. (1949)

A breach-of-the-peace ordinance which prohibits any misbehavior that stirs the public to anger, invites dispute, brings about a condition of unrest, or creates a disturbance and which is used to convict a defendant for a speech attacking various political and racial groups violates the right of free speech.

11. Tinker v. Des Moines - School District. (1969)

Opposition to the Vietnam War was mounting in Des Moines, Iowa. A group of students decided to wear black armbands during the Christmas season and to fast on December 16 and New Year's Eve. Among them were John Tinker, 15, and John Eckhardt, 16, and three younger Tinker children.

- Principals of the Des Moines schools heard of the students' plans. They made a ruling that any student wearing an armband to school would be asked to remove it. If the student refused, he would be suspended until he agreed to stop wearing the armband. Despite the new regulation, a number of students wore their armbands to school on December 16. Each of them was suspended.

- Parents of the disciplined students complained to a court. They said that their children, in wearing the armbands, had not interfered with the rights of other students. Nor had they disrupted class routine.

- The parents claimed that their children, by the school ruling, had been denied their right of freedom of speech.

- The U. S. Supreme Court ruled in favor of the students. Their conduct had been orderly and had not violated the rights of others. Students do not shed their constitutional rights to freedom of speech or expression at the schoolhouse gate. The Court said there was no disturbance or any reason to believe there would be a disturbance. The wearing of black armbands, therefore, was a lawful form of expression.

12. Minersville School District v. Gobitis. (1940)

United States Supreme Court decided that a state may require participation in a flag salute exercise even though it may be contrary to the religious beliefs of some of those who are required to participate. This opinion was overruled in the Barnette case in 1943; see West Virginia State Board of Education v. Barnette.

13. West Virginia State Board of Education et al. v. Barnette et al. (1943)

United States Supreme Court decided that flag salutes and pledges of allegiance are forms of expression protected by the First Amendment, and that one may not be compelled to participate in such exercises against his will. This decision overruled Minersville School District v. Gobitis, 1940.

14. Crews v. Cloncs. (1969)

United States Circuit Court of Appeals for the Seventh Circuit ruled that a school could not claim that the wearing of long hair was "inherently distracting" to other students unless it had taken clear steps to control or punish those students it claimed would cause disruption because one of their peers chose to wear his hair long. A long-haired student, the court declared, should not be made to forego his rights "because his neighbors have no self-control."

15. Scoville v. Board of Education of Joliet Township. (1970)

Two high school students were expelled for distributing an underground newspaper. The U. S. Court of Appeals for the Second Circuit declared the expulsion unconstitutional, stating explicitly that high school students are persons entitled to First and Fourth Amendment protections.

## BIBLIOGRAPHY

Abraham, Henry J. FREEDOM AND THE COURTS New York: Oxford, 1967.

Bartholomew, Paul. LEADING CASES ON THE CONSTITUTION. Littlefield, 1968.

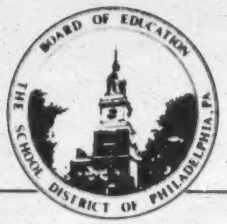
BILL OF RIGHTS AND RESPONSIBILITIES FOR HIGH SCHOOL STUDENT. The Philadelphia Board of Education, 1970.

Bragdon, Henry W. and John C. Pittenger. THE PURSUIT OF JUSTICE. Toronto: MacMillan Company, 1969.

Corwin, Edward S. THE CONSTITUTION AND WHAT IT MEANS TODAY. Princeton: Princton University Press, 1963.

James, Leonard. THE SUPREME COURT IN AMERICAN LIFE. Chicago: Scott, Foresman and Company, 1964.

Tressolini, Rocco J. THESE LIBERTIES. New York: J. B. Lippincott, 1968.




# STUDENT BILL OF RIGHTS and RESPONSIBILITIES

**SCHOOL DISTRICT OF PHILADELPHIA**

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## PREAMBLE

"WHEREAS the Philadelphia public school system is an academic community consisting of all students, teachers, administrators, parents, and community-at-large; and

WHEREAS such a community will serve its functions best if all its members are provided reasonable means of exercising and protecting their constitutional rights;

THEREFORE BE IT RESOLVED that a student bill of rights and responsibilities, and procedure for student grievances are hereby established in order to achieve a greater cooperative effort in shaping the structure and direction of the Philadelphia public school system. A corresponding responsibility of students is to respect the rights and obligations of others in the community and to actively engage in the establishment of a climate for learning within the schools.

No part of the enacted document shall abridge the school code of the State of Pennsylvania and contracts established within the Philadelphia public school system and the rights of parents with respect to their children during school hours or otherwise.

The senior and technical high school students of The School District of Philadelphia shall have the following rights as more fully defined in the commentary of the attached backup materials which is to be considered an integral part of this Bill."

*Resolution approved by the*
*Philadelphia Board of Education*
*December 21, 1970*

## BILL OF RIGHTS AND RESPONSIBILITIES FOR HIGH SCHOOL STUDENTS

1. The rights and limits of students respecting freedom of speech, press, and assembly shall be in accord with the first amendment of the United States Constitution.
2. In each high school there shall be established an elective and truly representative student directed government with offices open to all students. All students shall be allowed to vote. This government shall be elected annually on the basis prescribed by the constitution of each individual school.
3. At the discretion of the student government in each school, there may be ombudsmen, elected annually by students, who shall be trained to offer counsel as to students' rights.
4. Students shall have the right to counsel and due process procedures in the matters of suspension, transfer and expulsion.
5. Students shall have the right to participate in decisions affecting the curriculum through student representatives duly designated by the Student Government.
6. Students shall have the right to participate in the establishment of regulations regarding discipline through student representatives duly designated by the Student Government.
7. Academic performance shall be the only criterion for academic grades.
8. Students shall not be subjected to unreasonable or excessive punishment.
9. Students shall not be subjected to corporal punishment.
10. In light of the creation of these orderly procedures for dealing with student concerns, no student shall disrupt the education process within a school.
11. Every member of the school community, including student, parents, the school staff, has the responsibility to promote regular attendance at school, orderly conduct and behavior, freedom from fear of insult or injury, and maximum opportunities for learning on the part of each student.
12. No rule or regulation shall be established which diminishes the right of any student as set forth in Student Bill of Rights and Responsibilities.



## COMMENTARY

### I. Freedom of Expression

The primary liberties in a student's life have to do with the process of inquiry and learning, of acquiring and imparting knowledge, and of exchanging ideas. This process requires that students have the right to express opinions, to take stands, and to support causes, publicly or privately. There should be no interference in the school with these liberties, or with the student's access to or expression of controversial points of view, except as provided below.

A. **Bulletin Boards**—School authorities may restrict the use of certain bulletin boards to school announcements. Ample bulletin board space shall be provided for the use of students and student organizations, including a reasonable area for notices relating to out-of-school activities or matters of general interest to students. There shall be no prior censorship or requirement of approval of the contents or wording of notices or other communications, but the following general limitations on posting may be applied:

1. School authorities shall prohibit material which is obscene according to current legal definitions;

which is libelous; or which inflames or incites students so as to create a clear and present danger of the commission of unlawful acts on or of physical disruption to the orderly operation of the school.

2. Identification on any posted notice shall be required of the student or student group including the name of at least one person of the group issuing same.

3. The school shall require that notices or other communications be officially dated before posting and that such material be removed after a prescribed reasonable time to assure full access to the bulletin boards.

B. **Distribution of Printed Material and Circulation of Petitions**—Students shall be free to distribute handbills, leaflets and other printed material and to collect signatures on petitions concerning either school or out-of-school issues, whether such materials are produced within or outside the school. There shall be no prior censorship or requirement of approval of the contents or wording of such material, but the following general limitations may be applied:

1. The time of such activity shall be limited to periods before school begins, after dismissal and during lunch time, if such limitation is necessary to prevent interference with the school program.

2. The place of such activity shall be reasonably restricted to permit the normal flow of traffic within the school and at exterior doors.

3. The manner of conducting such activity shall be restricted to prevent undue levels of noise, or to prevent the use of coercion in obtaining signatures on petitions. The danger of littering is not a sufficient ground for limiting the right of students to distribute printed material.



4. The school shall require that all printed matter and petitions distributed or circulated on school property bear the name of the sponsoring organization and the name of one individual of such organization.

5. The school shall prohibit the distribution of material within the restricted categories of paragraph A1 above.

In the case of petitions presented by students to the school authorities, students shall have the right to have their petitions considered and to receive an authoritative reply thereto.

C. **Buttons and Badges**—The wearing of buttons, badges, or armbands bearing slogans or sayings shall be permitted as another form of expression, unless the message thereof falls within the restricted categories of paragraph A1 above. No teacher or administrator shall attempt to interfere with this practice on the ground that the message may be unpopular with students or faculty.

In imposing limitations on student expression for any reason under any of the foregoing provisions, the school must ensure that its rules are applied on a nondiscriminatory basis and in a manner designed to assure maximum freedom of expression to the students. The school shall particularly avoid any action placing restraints on ideas prior to their expression. Any student or student groups deprived of freedom of expression under any of these provisions shall have the right to request a hearing to determine whether such deprivation is justified under these rules. Such a hearing must be held as soon as possible after request before an impartial body, including representatives of the faculty and student body. The hearing shall provide for a full and fair opportunity for both sides to present evidence and argument as to the propriety of the application of the regulation in question.

## II. Student Government

A. The elected representatives of the students shall work with faculty, administration and the student body in identifying those areas of appropriate student responsibility in the life of the school.

B. The organization, operation and scope of the student government should be specified in a written constitution formulated by the students.

C. The student government shall have a faculty sponsor selected by the members of the student government.

D. Clubs and other Student Organizations must be chartered according to provisions established in the constitution of the student government.

E. Each organization or club shall have a set of by-laws approved by the student government. These by-laws:

- Shall not be in conflict with the constitution of the student government.
- Shall provide for a faculty sponsor.
- Shall provide for a roster of members on file with the student government.
- Shall set forth membership qualifications which do not exclude students based on race, color, creed or political belief.

The student government has the authority to revoke the charter of any club that operates in violation of its by-laws.

## III. School Communications

The administration, faculty and student government shall jointly establish regulations as to the manner, time and place for using communication facilities of the school. Based upon these established policies, access shall be made available to student groups for announcements and statements to the student body through the public address system, bulletin boards, and personal contact.



## IV. Forums

Open forums are encouraged to provide students with the opportunity to speak or hear others speak on topics of general interest. Classrooms, school assemblies and extracurricular organization meetings are some appropriate settings for the oral exchange of ideas. Guidelines for the use of such forums should be formulated by the administration, faculty and student government and made available to students and teachers. Guidelines shall restrict forums from the following: violation of attendance regulations, obscenity, inflammatory language, inciting students to riot, clearly endangering the health or safety of members of the school community, or clearly disrupting the educational process.

## Ombudsmen

In order to assure that each student is informed concerning his rights and responsibilities as provided in this Bill at the discretion of the student government in each high school, there may be established in each high school the position of ombudsman. Ombudsmen shall be elected by or composed of members of the student government or elected by the student body at large. The number of ombudsmen needed in any school shall be determined by the student government in consultation with the principal. Ombudsmen shall serve voluntarily and without compensation and may be qualified students of that school, parents, teachers, counselors or responsible qualified citizens of the community-at-large. It shall be the responsibility of the Superintendent of Schools to provide the necessary training of ombudsmen prior to their taking office and will establish a procedure for declaring an individual unqualified or unfit to serve as an ombudsman. **In no case shall an ombudsman supersede the right or obligation of a parent to counsel, protect or represent his/her son or daughter.**

## GRIEVANCE PROCEDURE FOR SENIOR HIGH SCHOOL STUDENTS

### Section 1—Definitions

A grievance is a complaint by a student in the School District of Philadelphia that there has been to him a personal loss, injury, or a violation, misinterpretation or inequitable application of an established policy governing students.

It is a basic policy of the student grievance procedure to encourage students to discuss their grievance informally with the person against whom the grievance is directed, prior to the grievance procedure. The student may seek advice or services of the ombudsman in attempting to solve the grievance informally. If the student so desires, the ombudsman shall accompany the student in going to the staff member at this informal stage.

It is expected that tho great majority of cases will be resolved in this fasion.

Where this technique is proved to be inadequate or the student is unable to do this, he may invoke the grievance procedure.

### Section 2—Procedure for Adjustment of Grievances

1. The grievance shall be submitted in writing to the principal. However, if the grievance involves the principal directly or is directed against a policy that the principal has decided upon, the student may decide to skip step 1 and proceed immediately to the District level.

   Within 5 school days, the principal shall call a meeting of the student, who may be accompanied by ombudsman or parent, the staff member and the PFT representative, if the staff member so chooses, to discuss the grievance. The principal shall make every effort to resolve the matter equitably and as quickly as possible, but within a period not to exceed 3 days. The principal shall communicate his decision in writing to the student, parent, and the staff member.

   Failure on the part of the principal either to call a meeting or to render a decision in writing within the designated time, shall constitute the basis for an automatic appeal to the next level.

2. If the grievance is not resolved to the satisfaction of the student, he may appeal the principal's decision to the district superintendent in writing within 3 school days.

   The district superintendent or his designee shall meet with the student who may be accompanied by the parent or ombudsman, the staff member and his representative, in order to resolve the matter equitably and as quickly as possible, but within a period not to exceed 5 school days. The district superintendent shall communicate his decision in writing to the student, the parent, the staff member, and the principal.

3. If the grievance is not resolved to the satisfaction of the student, he may appeal the district superintendent's decision to the Superintendent of Schools in writing within 3 school days.

   The Superintendent of Schools or his designee shall meet with the student, parent or the ombudsman, the staff member and his representative, within 10 school days in attempt to resolve the matter.

   The decision of the Superintendent of Schools shall be communicated in writing to all parties previously involved within 5 school days.

   The decision of the Superintendent of Schools shall be final and binding upon all parties subject only to judicial review.

The grievance procedure in no way abrogates the rights of students to seek relief in the Courts.

Every effort should be made by the student and teacher, principal, parent, or other, to resolve the

grievance informally with or without the assistance of the student ombudsmen.

Through each step in the grievance procedure teachers, principal, parent, and others against whom the grievance is lodged, may be represented by an official of their organization (PFT, Principals' Association, Legal Counsel, etc.)

### Right to Counsel and Due Process

WHEREAS, the Board of Education of The School District of Philadelphia wishes to assure every aggrieved student a fair and equitable hearing in situations involving suspensions in excess of five school days and expulsions from the school system;

WHEREAS, in order to implement this policy, rules and regulations governing suspensions in excess of five school days and expulsions from the school system should be promulgated, now be it

RESOLVED, The following rules and regulations shall apply to all cases of suspensions in excess of five school days and expulsions from the school system:

1. A member of the Board, sitting as a committee of one, together with appropriated staff, shall hear all cases involving suspensions in excess of five school days and expulsions from the school system. This member shall conduct an informal hearing and make a recommendation to the Board.

2. The hearing shall be held promptly.

3. Proper notice of the hearing shall be served on the parent or guardian of the student at least five days before the date of the hearing. In addition to giving the time and place of the hearing, the notice shall briefly set forth the alleged act or acts of which the student is charged.



4. The notice should also advise the student and his parent or guardian of their right to present witnesses and be represented at the hearing by legal counsel. In cases where the student has legal representation, a member of the legal staff of the School District shall represent the school administration.

5. The hearing shall be tape-recorded, from which a summary of the testimony of each witness shall be made on request. Tapes shall be preserved in accordance with practice of the Board.

6. No one except counsel, the parties and their witnesses shall be permitted to be present at the hearing.

7. The witnesses shall give their testimony under oath, and the right of cross examination shall be permitted. The admission of evidence shall be a matter within the discretion of the Board Member.

8. The failure of a student and/or his parent or guardian to attend the hearing, after proper notice, shall constitute a waiver of the right to a hearing.

9. The findings of fact and the recommendation of the Board Member to the Board shall be in writing. This recommendation shall be acted upon at the next regular meeting of the Board, and the student and his parent or guardian shall be advised, immediately thereafter, of the Board's decision. The Board shall protect the student's and his parent's or guardian's right to privacy.

10. If the Board expels the student he shall be referred to the school counselor for referral to an appropriate agency for further counseling and guidance, or for assistance in obtaining employment, or continuing his education; and be it

FURTHER RESOLVED, That the Superintendent of Schools, shall appoint a committee to revise Administrative Bulletin No. 13, entitled "Suspension and Expulsion of Students" to conform with this Resolution.

**Participation of Students in Decisions Affecting the Curriculum**

Students shall have a voice in the formulation of school policies and decisions which affect their education and lives as students through student representatives duly designated by student government. Through such participation, students can be a powerful resource for the improvement of the school, the educational system and the community.

Students also have responsibilities. These responsibilities include regular school attendance, conscientious effort in classroom work, and conformance to school rules and regulations. Most of all they share with the administration and faculty the responsibility of developing a climate in the school that is conducive to wholesome learning and living.

School policies, rules and regulations affecting pupils should be reviewed periodically by students, faculty and administration at each school.

**Freedom from Unreasonable or Excessive Punishment**

1. Students shall not be subjected to unreasonable or excessive punishment. The following practices offer guidance to teachers for reasonable forms of disciplinary action: There may be:

(a) Expressions of disapproval first in private and later, if necessary, in the presence of group

(b) Temporary isolation under supervision

(c) Detention for specific purpose which is clearly stated and achieved during the detention

(d) Withdrawal of specified privileges for a stated time, so long as the withdrawal does not result in the injury of the student



Note: Referral to the principal, or other disciplinary officer within the school, designated by him, is in order after the teacher has exhausted all his own possibilities for bring about an adjustment.

1. There may not be:

(a) Sarcastic remarks

(b) Personal affront and indignity

(c) School tasks imposed for punitive purposes

(d) Frequent detentions without specific purpose

(e) Forced apologies

(f) Exclusion from the room without supervison

(g) Sending students to a lower grade

Student rights also entail responsibilities. Self-respect and respect for others is one of the major goals of this document. No student has the right to interfere with the education of his fellow students. It is the responsibility of each student to respect the rights of all who are involved in the educational process. In no way does this "Student Bill of Rights and Responsibilities" diminish the legal authority of the school officials and of the Board of Education to deal with disruptive students. This resolution recognizes the student's responsibility for his conduct and at the same time extends the range of his responsibility. Greater understanding by all engaged in the educational process should result and the outcome should be effective citizenship in our society.

**Note:** The Student Bill of Rights and Responsibilities was approved by the Board of Education with the understanding that it would be subject to a complete review at the end of the 1971-72 school year. After the review by the Superintendent of Schools and his staff, recommendations will be made to the Board of Education, which will then decide on the future applications of the Bill and its provisions.

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NOTES

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